



19 FEB 2008

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In re Application of :
LOCKYER, Peter (deceased) :
Application No.: 10/593,852 :
PCT No.: PCT/GB05/50042 :
Int. Filing Date: 23 March 2005 :
Priority Date: 23 March 2004 :
Attorney Docket No.: MKC-009 :
For: METHODS FOR DETECTING :
CALCIUM ION INFLUX :
DECISION ON PETITION

This decision is issued in response to the declaration submitted on 10 September 2007 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 23 March 2005, applicants filed international application PCT/GB05/50042, which claimed a priority date of 23 March 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 23 September 2006.

On 22 September 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; a copy of the international application.

On 10 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration executed by the inventor and an English translation of the international application was required. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond. The notification set a TWO (2) MONTH period for response.

On 10 September 2007, applicants filed a declaration executed by Julie Lockyer on behalf of deceased inventor Peter Lockyer.

DISCUSSION***A. Sequence Listing***

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 10 May 2007 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1.1.821-825. Applicants state that the instant application does not contain any nucleotide or amino acid sequences and no sequence listing is required. As such, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 10 May 2007 is vacated in part.

B. Petition under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 10 September 2007 is executed by Julie Lockyer as the "executrix" of Peter Lockyer and provides her residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.


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